

DETAILED ACTION

1. This action is responsive to claims filed 01/05/2011 and 08/09/2011 and Applicant's request for reconsideration of application 10/769075 filed 08/09/2011. The amendment contains amended presented claim 37. The amendment contains new claims 36-64. Claims 1-36 have been canceled. As such, claims 37-64 have been examined with this office action.

Election / Restrictions

1. Applicant's election **without** traverse of Group II (claims 37-40) in the reply filed on 08/09/2011 is acknowledged. Claim 1-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Claim Objections

2. The claims are objected to because of the following minor informalities:
 - a. **Claim 56** reads, "storing a relation between the first application identifier and the unique identifier in a data file" should be corrected to "storing a relationship between the first application identifier and the unique identifier in a data file".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Regarding **claim 54**, the phrase "can" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claims 37-44** recite the use of a "computer-readable medium". Page 6, line 25 – page 7, line 2 of the specification contain examples of "computer-readable medium, and are therefore considered to contain both transitory and non-transistor embodiments of a computer-usable storage medium. Note that claims 37-44 indicate that the computer-readable medium is "not consisting of a signal". However, other forms of transitory storage medium (such as waves) do not fall within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, they include forms of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible

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physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter. To rectify this deficiency, the recited physical device which stores the software should recite the **non-transitory** embodiment of the application.

7. **Claim 37-64** are rejected under 35 U.S.C. 101 because the claimed invention is directed toward non-statutory subject matter. The claim recites a judicial exception (software) without the use of a physical medium. Specifically, claims 37-64 contain the use of the structural element of a “database” which is not stored on a physical medium on any type. Therefore, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. Descriptive material (software) can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se., 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory.

Note: When amending the claim to overcome this rejection the recited physical

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device which stores the software should recite the **non-transitory** embodiment of the application.

Claim Interpretation – “Operable to”

8. **Claim 37** uses the phrase "operable to". Claim limitations that employ phrases of the type “operable to” are typical of claim limitations which may not distinguish over prior art according to the principle. It has been held that the recitation that an element is “operable to” perform or is “capable of” performing a function is not a positive limitation but only requires the ability to so perform. As such, any limit which follows such phrases can be treated as merely language of intended use, not a claim limitation. As such, it is unclear from the claims if the limits which follow instances of “adapted to” are functional limits of the claimed invention or if the structural limit performing the claim limit only has to be capable of performing such limit. To resolve this deficiency, all instances of “adapted to” should be replaced with affirmative phrasing which clearly indicates that the structural component performs the functional limit.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 37, 41-45, 49-57, and 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (U.S. Application No. 20010031066) in view of Carro (U.S. Patent No. 7653814) in further view of Simon (U.S. Patent No. 6065008) in further view of Both (U.S. Patent No. 7412449) in further view of Palliyil e al. (U.S. Application No. 20050131900) in further view of Yau et al. (U.S. Application No. 20020066026).

As per claim 37, Meyer et al. teaches **a computer-readable medium not consisting of a signal, the computer readable medium having stored thereon computer-executable instructions operable to cause a computer to perform a method** ([¶108] Note that claim limitations that employ phrases of the type “operable to” are typical of claim limitations which may not distinguish over prior art according to the principle. It has been held that the recitation that an element is “operable to” perform or is “capable of” performing a function is not a positive limitation but only requires the ability to so perform. As such, any limit which follows such phrases can be treated as merely language of intended use, not a claim limitation.) **of querying a database for information pertaining to a software application installed on a computer system** (a local application (e.g., a device or software process) extracts an identifier from a media signal stored in a content package, [¶28, lines 9-20] [¶93] [claim 7] and communicates (using queries) the identifier to a database application [¶23, lines 12-14], [¶31, line 9], [¶49] [¶51, lines 9-12] [¶90] [¶93-94] [¶95], **the computer-readable medium comprising:**
computer-executable instructions for generating a first application identifier for the software application (binary data [¶13] containing the information stored on the media is hashed into an identifier also called a fingerprint [¶28, lines 9-20] [¶46-48]), **the software application comprising a plurality of files on the computer system** (media signals and their components including files [¶12] [¶93]) **and displaying information from the response to the query from the database along with the metadata received in response to the metadata request in a window of the graphical user interface along with information for one or more other software applications of the particular application type** (display [¶23] [¶31] [¶68] [¶84]).

Meyer et al. does not teach the remainder of the claim limits.

Carro teaches that **the files comprising at least an executable file for the software application** ([column 1, lines 35-36] [column 2, lines 3-25]) **and graphical icon data for one or more icons associated with the software**

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application ([column 2, lines 3-25] [column 5, line 63 – column 7, line 1]), **wherein generating the first application identifier comprises generating a hash value with a hashing algorithm applied to an application-specific binary data block formed from a subset of the graphical icon data for one or more icons associated with the software application, and wherein the subset of the graphical icon data comprises at least one icon that visually represents the software application in a graphical user interface** ([Figure 5, elements 520 and 540] [column 8, lines 19-54]).

It would have been obvious to one skilled in the art at the time of the invention to have combined the invention of Carro with that of Meyer et al. to achieve the claimed invention. Carro provides the association of image data with an application program. Use of this association within Meyer et al. enables metadata searches for application programs based on their associated image file signature. Both Meyer et al. [¶12, lines 1-8] and Carro acknowledges that other uses for their invention would be apparent to one skilled in the art. One skilled in the art would be motivated to combine the inventions because Carro provides media such that an application will only operate with the images associated with in, thereby providing the consumer with the application limited to the needs of the user and at low cost. Meyer et al. makes the invention of Carro more user friendly by providing metadata to the user useful in supplying auxiliary data as desired.

Carro has already been shown as teaching that a subset of graphical icon data which may be only one icon (as currently claimed) can be hashed. However, for completeness Simon is added to teach the concept of hashing a subset of glyphs (icon images) as part of a larger collection of glyphs in associations with an application program (font glyphs associated with one or more applications) [column 5, lines 14-18] where subsets of glyphs are hashed to form nodes of a tree [Figure 5] [column 6, lines 10-46]).

It would have been obvious to one of ordinary skill in the art to include as one of the inputs into the hashing function of Carro the ability to input a subset of glyphs (icon images) as taught by Simon since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Additionally, Carro teaches the concept of hashing multiple inputs as shown in [Figure 5, element 530]. However, Carro does not indicate that one of the inputs is the **name of the executable file** and Carro does not teach the remainder of the claim limits.

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Both teaches **the executable file having a name** (object name [Abstract] [column 3, lines 50-59]), and hashing **the name of the executable file for the software application** (generate has value from file object name [Abstract] [column 3, lines 50-59] [Figure 2, element 204]).

It would have been obvious to one skilled in the art at the time of the invention to have combined the invention of Both with that of Meyer et al. Carro, and Simon to obtain the claimed invention. One would be motivated to combine the inventions because Both provides hashing which can be used to index and retrieve file objects in a database management system because it is faster to find the file object using the shorter hash value than to find it using the original string. Thus both the cost of storage and the amount of time required to find the file object are reduced due to the use of a shorter hash value than that of the original string.

Both does not teach the remainder of the claim limits.

Palliyil et al. teaches **sending a query for a unique identifier for the software application to the database, the query comprising the first application identifier and computer-executable instructions for receiving a response to the query from the database, wherein the response comprises an indication of whether the software application is of a particular application type and the unique identifier for the software application, and wherein the unique identifier differs from the first identifier** ([¶213-216]);

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Palliyil et al. with the previous prior art to achieve the claimed invention. The motivation to use Palliyil et al. would have been that it reduces network congestion, load on the remote system, and traffic over the bandwidth-sensitive connection (if the resource was retrieved locally before the majority of the resource was transferred from the remote system), but a significant advantage of the solution is the potential reduction in the time taken for resource retrieval. The larger the resource to be retrieved and the more constrained the available bandwidth of the bandwidth-sensitive connection, the greater the benefit of retrieving the resource from within the LAN

Palliyil et al. does not teach the remaining claim limits.

Yau et al. teaches **sending a metadata request to a metadata service, the metadata request comprising the unique identifier and receiving metadata for the software application in response to the metadata request** ([¶46]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Yau et al. with the previous prior art to achieve the

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claimed invention. The motivation to use Yau et al. would have been that it provides an improved system and method for distributing data to multiple nodes on a network efficiently by utilizing the network bandwidth of the recipient nodes. Yau et al.'s approach reduces the bandwidth and system requirements of a centralized server or a distributed set of servers utilized by the data source. In addition to lowering costs associated with a centralized data source server, the invention can also reduce overall delivery time to recipients.

As per claim 41, the rejection of claim 37 has been addressed. Meyer et al. does not specifically teach a method where **the graphical icon data is obtained from an icon file**.

Carro teaches that a method where **the graphical icon data is obtained from an icon file** ([Figure 3, element 320]).

(Note that the term "icon" in the claim limits is non-functional descriptive language, and does not change the functional operation of the method or system. There is functionally no difference between graphical data as found in prior art and graphical icon data as claimed. Note also that graphical icon data related to software applications are stored just as any other graphical data.).

It would have been obvious to one skilled in the art at the time of the invention to have combined the invention of Carro with that of Meyer et al. to achieve the claimed invention. Carro provides the association of image data with an application program. Use of this association within Meyer et al. enables metadata searches for application programs based on their associated image file signature. Both Meyer et al. [¶12, lines 1-8] and Carro acknowledges that other uses for their invention would be apparent to one skilled in the art. One skilled in the art would be motivated to combine the inventions because Carro provides media such that an application will only operate with the images associated with in, thereby providing the consumer with the application limited to the needs of the user and at low cost. Meyer et al. makes the invention of Carro more user friendly by providing metadata to the user useful in supplying auxiliary data as desired.

As per claim 42, the rejection of claim 37 has been addressed. Meyer et al. and Carro do not teach the claim limits.

Simon teaches that **the one or more icons are selected from a set of plural graphical icons having different sizes and resolutions** ([column 1, lines 15-46]).

It would have been obvious to one of ordinary skill in the art to include as one of the inputs into the hashing function of Carro the ability to input a subset of glyphs

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of different sizes and resolutions as taught by Simon since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 43, the rejection of claim 37 has been addressed.
Meyer et al. Carro, Simon, Both, and Palliyil et al. do not teach the claim limits.

Yau et al. teaches **at least one of the one or more responses indicates that a match for the first value was found in the database** ([¶46]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Yau et al. with the previous prior art to achieve the claimed invention. The motivation to use Yau et al. would have been that it provides an improved system and method for distributing data to multiple nodes on a network efficiently by utilizing the network bandwidth of the recipient nodes. Yau et al.'s approach reduces the bandwidth and system requirements of a centralized server or a distributed set of servers utilized by the data source. In addition to lowering costs associated with a centralized data source server, the invention can also reduce overall delivery time to recipients.

As per claim 44, the rejection of claim 37 has been addressed.
Meyer et al. teaches **displaying a visual indicator of the software application along with visual indicators of the other software applications in the graphical user interface** (display [¶23] [¶31] [¶68] [¶84]).

As per claim 45, Meyer et al. teaches **method** ([claim 1]).

All of the limits of Claim 45 have been previously addressed in Claim 37, and is therefore rejected using the same prior art and rationale.

As per claim 49, the rejection of claim 45 has been addressed.
Meyer et al. does not teach the claim limits.

Carro teaches that **the hashing algorithm is a one-way hashing algorithm** ([column 7, lines 25] [column 8, line 40]).

It would have been obvious to one skilled in the art at the time of the invention to have combined the invention of Carro with that of Meyer et al. to achieve the claimed invention. Carro provides the association of image data with an application program. Use of this association within Meyer et al. enables metadata searches for application programs based on their associated image file signature. Both Meyer et al. [¶12, lines 1-8] and Carro acknowledges that other uses for

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their invention would be apparent to one skilled in the art. One skilled in the art would be motivated to combine the inventions because Carro provides media such that an application will only operate with the images associated with in, thereby providing the consumer with the application limited to the needs of the user and at low cost. Meyer et al. makes the invention of Carro more user friendly by providing metadata to the user useful in supplying auxiliary data as desired.

As per claim 50, the rejection of claim 45 has been addressed. Meyer et al. and Carro do not teach the claim limits.

Simon teaches that **the application identifier is a 20-byte hash value** ([column 9, lines 15-22]).

It would have been obvious to one of ordinary skill in the art to include as one of the inputs into the hashing function of Carro the ability to input a subset of glyphs (icon images) with a 20-byte hash value as taught by Simon since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 51, the rejection of claim 45 has been addressed. All of the limits of Claim 51 have been previously addressed in Claim 41, and is therefore rejected using the same prior art and rationale.

As per claim 52, the rejection of claim 45 has been addressed. Meyer et al. teaches a method **further comprising comparing the application identifier with a list of application identifiers** (maps the identifier to actions [¶22, line 14-17], where the identifier can be generated using hashing [¶28, lines 18-20] and [¶48]) **to determine an attribute of the software application** ([¶22, lines 10 to ¶23 line 4], where the data which is returned is metadata (see Figure 1). Metadata, or auxiliary data, may provide information describing the attributes of the software application [¶4 lines 6-10]).

As per claim 53, the rejection of claim 52 has been addressed. Meyer et al. teaches a method **wherein the attribute comprises a parental control rating for the software application** ("inappropriate content for children" [¶23, line 19-21] and metadata [¶22, line 10 - ¶23 line 4]).

As per claim 54, the rejection of claim 45 has been addressed. Meyer et al. teaches that **the unique identifier indicates that metadata relating to the software application can be obtained from the metadata service** (metadata is returned [Abstract lines 6-9], [¶ 22 lines 10-14], [¶23 lines 1-4]).

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2], [¶23 lines 17-19], [¶24 lines 2-3], [¶25 lines 11-14], [¶31 lines 1-12] and the server responds to user if no association is found [¶7 lines 13-19]).

As per claim 55, the rejection of claim 45 has been addressed. Meyer et al., Carro, and Simon do not specifically teach that **the application identifier is a unique fixed-length string**.

Both teaches a method **wherein the application identifier is a unique** ([Abstract]) **fixed-length string** ([column 2, lines 48-52]).

It would have been obvious to one skilled in the art at the time of the invention to have combined the invention of Both with that of Meyer et al. Carro, and Simon to obtain the claimed invention. One would be motivated to combine the inventions because Both provides hashing which can be used to index and retrieve file objects in a database management system because it is faster to find the file object using the shorter hash value than to find it using the original string. Thus both the cost of storage and the amount of time required to find the file object are reduced due to the use of a shorter hash value than that of the original string.

As per claim 56, the rejection of claim 45 has been addressed. Meyer et al., Carro, Simon, and Both do not teach the claim limits.

Palliyil et al. teaches **storing a relation between the first application identifier and the unique identifier in a data file** ([Figure 3, element 220]);

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Palliyil et al. with the previous prior art to achieve the claimed invention. The motivation to use Palliyil et al. would have been that it reduces network congestion, load on the remote system, and traffic over the bandwidth-sensitive connection (if the resource was retrieved locally before the majority of the resource was transferred from the remote system), but a significant advantage of the solution is the potential reduction in the time taken for resource retrieval. The larger the resource to be retrieved, and the more constrained the available bandwidth of the bandwidth-sensitive connection, the greater the benefit of retrieving the resource from within the LAN

As per claim 57, the rejection of claim 45 has been addressed. Meyer et al. teaches a method **wherein the application data further comprises registry data** ([¶15, lines 1-6], [¶18 line 1 to ¶19, line 5]).

As per claim 59, the rejection of claim 45 has been addressed. Meyer et al. **further teaches a method wherein the query to the application database comprises a request for metadata relating to the software**

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application, and wherein the response to the query comprises metadata relating to the software application [¶22, lines 10 to ¶23 line 4])

As per claim 60, the rejection of claim 45 has been addressed.

All of the limits of Claim 60 have been previously addressed in Claim 53, and is therefore rejected using the same prior art and rationale.

As per claim 61, the rejection of claim 45 has been addressed.

All of the limits of Claim 61 have been previously addressed in Claim 42, and is therefore rejected using the same prior art and rationale.

As per claim 62, the rejection of claim 45 has been addressed.

All of the limits of Claim 62 have been previously addressed in Claim 43, and is therefore rejected using the same prior art and rationale.

As per claim 63, the rejection of claim 45 has been addressed.

Meyer et al. and Carro do not teach the claim limits.

Palliyil e al. teaches **sending a shortcut link to the database, wherein the one or more responses comprise a list of possible matches for the shortcut link in the database** ([¶18] [108-166]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined Palliyil e al. with the previous prior art to achieve the claimed invention. The motivation to use Palliyil e al. would have been that it reduces network congestion, load on the remote system, and traffic over the bandwidth-sensitive connection (if the resource was retrieved locally before the majority of the resource was transferred from the remote system), but a significant advantage of the solution is the potential reduction in the time taken for resource retrieval. The larger the resource to be retrieved, and the more constrained the available bandwidth of the bandwidth-sensitive connection, the greater the benefit of retrieving the resource from within the LAN

As per claim 64, the rejection of claim 45 has been addressed.

All of the limits of Claim 64 have been previously addressed in Claim 44, and is therefore rejected using the same prior art and rationale.

11. Claims 38, 46, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (U.S. Application No. 20010031066) in view of Carro (U.S. Patent No. 7653814) in further view of Simon (U.S. Patent No.

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6065008) in further view of Both (U.S. Patent No. 7412449) in further view of Palliyil e al. (U.S. Application No. 20050131900) in further view of Yau et al. (U.S. Application No. 20020066026) in further view of Epstein (U.S. Application No. 20020049738).

As per claim 38, the rejection of claim 37 has been addressed. Meyer et al., Carro, Simon, Both, Palliyil e al., and Yau et al. do not teach the claim limits.

Epstein teaches that **the application type is game, and wherein the metadata service is a games metadata service** (Ancillary Services [¶101-107] where a catalog of software applications (e.g., CD-ROMs, games, product reviews) is one application of the metabase [137]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a metadata service directed toward games discussed in Epstein in the combined method of Meyer et al., Carro, Simon, Both, Palliyil e al., and Yau et al.. As in Epstein, it is within the capabilities of one of ordinary skill in the art to have used a metadata service directed toward games to the combined metadata service as taught by Meyer et al., Carro, Simon, Both, Palliyil e al., and Yau et al. with the predicted result of a games metadata service as needed in Meyer et al., Carro, Simon, Both, Palliyil e al., and Yau et al..

As per claim 46, the rejection of claim 45 has been addressed. All of the limits of Claim 46 have been previously addressed in Claim 38, and is therefore rejected using the same prior art and rationale.

As per claim 58, the rejection of claim 45 has been addressed. All of the limits of Claim 58 have been previously addressed in Claim 38, and is therefore rejected using the same prior art and rationale.

12. Claims 39 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (U.S. Application No. 20010031066) in view of Carro (U.S. Patent No. 7653814) in further view of Simon (U.S. Patent No. 6065008) in further view of Both (U.S. Patent No. 7412449) in further view of Palliyil e al. (U.S. Application No. 20050131900) in further view of Yau et al. (U.S. Application

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No. 20020066026) in further view of Epstein (U.S. Application No. 20020049738) in further view of Alcorn (U.S. Patent No. 5643086).

As per claim 39, the rejection of claim 38 has been addressed. Meyer et al., Carro, Simon, Both, Palliyil e al., Yau et al., and Epstein do not teach the claim limits.

Alcorn teaches that **the window of the graphical user interface is part of a gaming activity center** (casino gaming system interface or console [column 1, lines 8-37] [column 2, lines 23-27] [column 6, line 64 – column 7, line 8]) and **determining whether to add the software application to a list of games in the gaming activity center based on the indication of whether the software application is of the particular application type** ([column 2, lines 42-65]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized a gaming activity center discussed in Alcorn in the combined method of Meyer et al., Carro, Simon, Both, Palliyil e al., Yau et al., and Epstein. As in Alcorn, it is within the capabilities of one of ordinary skill in the art to have used a gaming activity center to the combined method and system as taught by Meyer et al., Carro, Simon, Both, Palliyil e al., Yau et al., and Epstein with the predicted result of a gaming activity center as needed in Meyer et al., Carro, Simon, Both, Palliyil e al., and Yau et al..

As per claim 47, the rejection of claim 46 has been addressed. All of the limits of Claim 47 have been previously addressed in Claim 39, and is therefore rejected using the same prior art and rationale.

13. Claims 40 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (U.S. Application No. 20010031066) in view of Carro (U.S. Patent No. 7653814) in further view of Simon (U.S. Patent No. 6065008) in further view of Both (U.S. Patent No. 7412449) in further view of Palliyil e al. (U.S. Application No. 20050131900) in further view of Yau et al. (U.S. Application No. 20020066026) in further view of Zamora-McKelvy (U.S. Patent No. 6496838).

As per claim 40, the rejection of claim 37 has been addressed.

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Meyer et al., Carro, Simon, Both, Palliyil e al., and Yau et al. do not teach the claim limits.

Zamora-McKelvy teaches **receiving a second response to the query from the database, wherein the second response comprises an indication that no match for the first application identifier was found in the database and computer-executable instructions for performing a manual search of the database responsive to the indication that no match for the first application identifier was found in the database** ([column 3, lines 15-29]).

It would have been obvious to one of ordinary skill in the art to include in the query database of the combined teachings of Meyer et al., Carro, Simon, Both, Palliyil e al., and Yau et al. the ability to perform a manual search of a database when no match is found as taught by Zamora-McKelvy since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per claim 48, the rejection of claim 45 has been addressed.

All of the limits of Claim 48 have been previously addressed in Claim 40, and is therefore rejected using the same prior art and rationale.

Response to Arguments

14. Applicant's arguments with respect to claims 37-64 have been considered but are moot in view of the new ground(s) of rejection. The rejection above serves as the examiners response to the applicant's arguments.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pollock whose telephone number is 571 270-1465. The examiner can normally be reached on 7:30 AM - 4 PM, Mon-Fri Eastern Time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chuck Kyle can be reached on 571 272-5233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAP

10/17/2011

/Gregory Pollock/
Examiner, Art Unit 3695

Gregory A. Pollock

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